UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DISABILITY ADVOCATES, INC.,

Plaintiff,

v.

DAVID A. PATERSON, in his official capacity as Governor of the State of New York, RICHARD F. DAINES, in his capacity as Commissioner of the New York State Department of Health, MICHAEL F. HOGAN, in his capacity as Commissioner of the New York State Office of Mental Health, THE NEW YORK STATE DEPARTMENT OF HEALTH, and THE NEW YORK STATE OFFICE OF MENTAL HEALTH,

Defendants.

03 Civ. 3209 (NGG) (MDG)

NOTICE OF MOTION *IN LIMINE* TO PRECLUDE THE TRIAL TESTIMONY OF PREVIOUSLY UNDISCLOSED WITNESSES

PLEASE TAKE NOTICE THAT, upon the papers and pleadings in this matter, the Declaration of Francine N. Murray, dated April 29, 2009 and the exhibits thereto, and the accompanying Memorandum of Law, Plaintiff Disability Advocates, Inc. ("DAI") will move this Court, before the Honorable Nicholas G. Garaufis, at the United States Courthouse, Courtroom 4D, 225 Cadman Plaza East, Brooklyn, New York, 11201, at a date and time to be determined by the Court, for an order pursuant to Rule 37(c)(1) of the Federal Rules of Civil Procedure precluding the testimony on behalf of the Defendants of previously undisclosed witnesses.

The grounds for this motion are set forth in the accompanying Memorandum of Law.

Dated: New York, New York
April 29, 2009

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